

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING  
January 10, 2006**

Place: Auditorium  
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:  
Damanti, Conze, Forman, Kenny, Spain, Bigelow

STAFF ATTENDING: Ginsberg, Keating  
RECORDER: Syat

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At 8:00 P.M., Chairman Damanti read the agenda item:

**PUBLIC HEARING**

**Continuation of Public Hearing regarding Application for Approval of Affordable Housing, Coastal Site Plan Review #150-A, Land Filling & Regrading Application #147, Christopher and Margaret Stefanoni, 77 Nearwater Lane.** Proposing to raze the existing residence and to construct 20 units of age-restricted housing (30% of which are proposed to be affordable housing under Section 8-30g of the Connecticut General Statutes) in two new buildings with associated parking and regrading, and to perform related site development activities within a regulated area. The subject property is located on the west side of Nearwater Lane approximately 300 feet south of the intersection of Nearwater Lane and Nickerson Lane, and is shown on Assessor's Map #52 as Lot #5, R-1 Zone. *The Public Hearing for this application was opened on November 1, 2005 and continued to November 29, 2005 and December 6, 2005 and December 14, 2005.*

Mr. Ginsberg explained that the Environmental Protection Commission (EPC) has held two public hearing sessions on December 14<sup>th</sup> and January 4<sup>th</sup> regarding potential jurisdiction and/or comments on the referral from the Planning & Zoning Commission. The EPC will continue that public hearing to tomorrow, January 11<sup>th</sup> and then hope to close the public hearing. They intend to decide the matter on January 18<sup>th</sup>. He noted that January 20<sup>th</sup> was the current deadline for Planning & Zoning Commission to continue their own public hearing. The maximum potential public hearing extension time would be until February 6<sup>th</sup> or 7<sup>th</sup>. Ms. Margaret Stefanoni, the applicant, said that she is willing to grant a further extension of time for this public hearing until February 3, 2006.

Mr. Ed Schmidt of 82 Nearwater Lane was present on behalf of Schmidtwerks, LLC. He then read his January 10, 2006 letter aloud. This letter dealt with whether the need for affordable housing outweighs the public interest and possible modifications to the application. He said that his proposed Zoning Regulations would implement a modified development consisting of five total units, three of which would be market rate and two of which would be affordable. This development would have greater setbacks, reduced height, reduced site coverage and building coverage, and similar restrictions. This would be similar to other zones in town that allow such housing. Mr. Schmidt said that the reasons for the modifications would be the continuing interest in affordable housing, he would be against too high a density on the site, a reduced impact to the

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environmental features; a reduced impact to the neighboring sites; reducing the storm water runoff impacts; and improvement in safety. Such development would be reasonable and be 23% impervious surface area which includes both buildings and parking lots. He said that 20 units in two buildings on this one acre site would be an eyesore and he is opposed to the current proposal which should not be approved. Mr. Schmidt said that he has served 14 years on the Planning & Zoning Commission and was involved in the updates of the Town Plan of Development. He was involved in the 1985 adoption of the first multi-family housing regulations to allow condominiums which would be more affordable housing choices for Darien residents.

At approximately 8:50 P.M., Mr. Ian Duncan of Nearwater Lane then spoke. He said that the Stefanonis bought their property in 1999 and it has been six years of sadness for him. He claimed that he has no feud with the Stefanonis as it takes two parties to have a feud and Mr. Duncan will not participate in a feud. He said that they want what they want, irrespective of others. He mentioned that he had culture shock when the Stefanonis cut the trees on his property and another neighbor's property to improve their view of Holly Pond and to improve their property value. There was a related court decision in August 2004. Mr. Duncan claimed that Mrs. Stefanoni made it clear that if Mr. Duncan opposes an earlier application in 2003 then the Stefanonis would make Mr. Duncan's life miserable. The Stefanonis wanted Mr. Duncan to buy them out. Mr. Duncan asserted that the Stefanonis are trying to bully people into submission by threatening to sue them. He said that the Stefanonis used deceptive information to acquire permits for a floating dock in Holly Pond which was accessed through the easement through Mr. Duncan's property. He asked whether the Stefanonis should decide where and how affordable housing should be built in Darien or should the Planning & Zoning Commission decide. He believed that any decision of the Planning & Zoning Commission would impact Darien for generations to come.

At 9:25 P.M., Mr. Christopher Stefanoni responded to Mr. Duncan's comments. He said that he never sued Mr. Duncan for a single cent and the Court recently decided in the Stefanonis' favor. Mrs. Stefanoni said that she was born in Guatemala and her grandparents lived in Darien. She added that from 1986 to 1999 she lived in Harvard Square which was a very diverse area. She had culture shock at Darien's lack of diversity. Since she moved into Nearwater Lane, she has wanted to sell the house and move. However, some of the sales have been cancelled due to the ambiguity about easement rights through Mr. Duncan's property. She said there is certainly an emotional cost to all of these disputes with their neighbors. She explained that in the year 2000, the Stefanonis executed a plan approved by the Planning & Zoning Commission and they did that restorative landscaping on time and were bonded for the project. She noted that Mr. Schmidt did not mention that Clock Hill Homes with 30 units on two acres is about 15 units per acre. She said that she has never been more proud of what she is doing and has a deep sense of guilt for being privileged as a child and says that this application is worth it even if she is jeered by others.

At 9:40 P.M., Mr. Doug Bora, Jr. of 38 Nearwater Lane then spoke. He claimed that the proposed development has many deficiencies including a lack of business plan, a lack of management plan, and he questioned the ability to implement the plan. He also noted that there is poor fire access, as there is 25 to 29.5 feet between the front building and the curb cut and the proposed back building has an urban like density with only 6 to 10 feet between it and the property line. A fire truck would barely fit within the fire lane with no room for its stabilizers. He questioned how the fire fighters will get above the fire and believed that it would be dangerous to the fire fighters due to the narrow spaces proposed. He did not believe that there was enough parking as there are now 2.32 cars for each dwelling unit now in Darien. He believed that the 1.5 vehicles per unit provided would not be

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enough proposed parking. There would not be enough for residents, caregivers, visitors and deliveries and overflow parking would be in Nearwater Lane and there is not enough room in Nearwater Lane that has driveways, telephone poles and fire hydrants. Nearwater Lane has a narrow, 20 foot +/- paved surface which means there is not enough room for safe, on-street parking. The parking issue poses an unnecessary risk to the general public.

At about 9:55 P.M., Mr. Peter Van Winkle of 41 Baywater Drive then explained that the Coastal Area Management Act was adopted in 1980 and the coastal boundary in Darien extends 1,000 feet from the mean high tide line. He then showed an illustration/map and submitted a copy of his 9 page letter. There is nothing in the CAM statute that discusses affordable housing. Mr. Van Winkle confirmed that he is an attorney, architectural engineer and has a doctorate in finance. He believes that there is a public interest in the wetlands and that there is a national interest in wetlands due to the commerce clause. He believes that Long Island Sound is a fishery and depends highly on its wetlands and CAM is all about protecting the wetlands. Mr. Van Winkle explained that this proposal will greatly affect Holly Pond and its wetlands and he mentioned the importance of coastal resources. He said that this is not a zoning matter as much as it is a coastal wetlands issue. Mr. Van Winkle noted that this project is going to pollute and not provide sufficient protection of the wetland and that there is a risk to the wetlands because of the project. He believed that proposals in and near wetlands are subjected to the highest level of scrutiny. He said that Section 22a-92 of the Connecticut General Statutes deals with coastal policies. He said that this application proposes 6 units of affordable housing which are .97% of the units needed to get Darien to 10%. He asked whether the risk to the wetlands is worth that tiny percent of affordable dwelling units. He then questioned the calculation regarding housing affordability. Mr. Van Winkle summarized by noting that the closer you get to the water, the greater the risk, and then the first issue to be asked is whether the housing units and this project should be allowed in the CAM area.

Dr. Kenneth Olson of 2 Pratt Island, a chemical engineer, referred to safety concerns expressed in his submitted two page statement dated January 10, 2006. He said that unless the project is designed, installed and maintained perfectly, then it will impact nearby wetlands on the Darien Land Trust property. Any metals and salts in the runoff water will not be properly treated. He said that this is not an issue of affordable housing, but rather a problem due to the housing density.

Mrs. Stefanoni then distributed revised site plans with a revised drainage design dated January 9, 2006.

Mr. Barry Hammons said that a feasibility analysis was used for design drawings submitted for review and approval. Then after approval, they prepared construction drawings. He then distributed a hand-out of a colored map showing hurricane zones. He concluded that this project is not in the hurricane area. He said that one must be careful analyzing the water flow of the watershed on the west side of Nearwater Lane that flows untreated to Holly Pond. He then distributed a copy of the graph from Dr. DeSanto with the volume crossed out in black. He believed that this graph is inaccurate because the area under the yellow line needs to be equal to the volume of water under the blue dash line. Mr. Hammons responded to a question by Mr. Spain by noting that the yellow line could mislead the Commission and the chart does not have any units on it. Mr. Hammons continued by noting that there are four treatment features that handle water quantity and quality. There will be no sheet flow to the south from the parking lot. There will be:

1. Separators for grease and solids;
2. then onto oil and grit separators;

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3. a hydrodynamic separator, a Vortech unit for sediment; and
4. galleries for underground infiltrations.

He said that 80% of what gets to the Vortech units will get separated and if there is any overflow from the galleries, then there will be a connection to the storm drain in street and there will be no sheet flow to the south. In anything up to a 50 year storm, the water will be cleaner than the water that comes off the site today. The first half inch of runoff will carry 90% of the residues from the parking lot, and all of that water plus more will be thoroughly treated. He then briefly discussed the September 9, 2005 letter from Joe Canas of Tighe & Bond. Mr. Hammons noted that there will be no hydrostatic pressure and he also looked at the watershed area that flows through the catch basin in front of the site.

At about 10:55 P.M., Mr. Hammons then reviewed the detailed comments of Mr. Canas' report items 1 to 14. He summarized by noting that they can have a company do periodic inspection and maintenance of the drainage facilities. He said that none of the water in this watershed goes through any treatment currently before it goes to Holly Pond. He said that all of their impervious surface will be treated as part of this proposal. He noted that in response to questions from Mr. Spain and Mr. Kenny, the dissolved pollutants will be infiltrated into the ground and generally absorbed by the ground but some dissolved salts can migrate to Holly Pond. In the winter, there will be a concentration of salts and chemicals and grits dropped from cars. In storm conditions that back up water in the Nearwater Lane pipes, then the water would sheet flow into the wetlands. This would occur during a 50 year storm. Mr. Spain asked whether the applicant should submit a summary sheet of changes to make the application easier to understand. Mr. Ginsberg confirmed that Mr. Canas will review the revised plans and comment at the next hearing.

After some discussion, Ms. Forman made a motion to continue this public hearing to Thursday, January 26<sup>th</sup> in the Auditorium at 8:00 P.M. Mr. Damanti asked all parties to submit materials by the Monday before that at 4:00 P.M. The motion to continue the public hearing was seconded by Mr. Conze and unanimously approved. The meeting was then adjourned at 11:20 P.M.

Respectfully submitted,

Jeremy B. Ginsberg  
Planning & Zoning Director